

**REMARKS/ARGUMENTS**

Claims 1, 10, 17, and 33 and are amended by this response. Claims 3 and 18 are canceled. Accordingly, following entry of these amendments and remarks, claims 1-2, 4-17, and 19-39 will remain pending for examination.

In the latest office action, the Examiner objected to the specification for certain informalities. Accordingly, the specification and abstract have now been amended in the manner suggested by the Examiner. As such, these amendments are believed to overcome the objections to the specification.

On the Office action summary page, box "10" was checked, noting objections to the drawings, but no details have been provided. The drawings not been amended.

Turning now to address the rejection of the claims based upon alleged prior art, embodiments of the present invention relate to a file server systems and file access. Specifically, certain embodiments disclose a first file system and a second file system having a different format than the first file system. Accordingly, independent claim 1 has been amended, and recites in part:

1. A method for accessing files in a file server comprising:  
receiving a file request in connection with a file;  
performing one or more first operations on a first file system in response to the file request, wherein the one or more first file operations are performed on a copy of the file contained in the first file system; and  
selectively performing one or more second operations on a second file system different from the first file system in response to the file request, wherein the one or more second operations are performed on a copy of the file contained in the second file system...  
wherein a format of the first file system is different from a format of the second file system. (Emphasis added)

Independent claims 10, 17, and 33 have also been amended to recite this feature. Independent claims 23 and 37 as originally filed recite this feature.

In the latest office action, the Examiner rejected certain claims as obvious based upon U.S. Patent Publication No. 6,718,447 to Cochran ("the Cochran Patent"), in view of U.S. Patent No. 6,775,792 to Ulrich ("the Ulrich Patent"). These claim rejections are traversed as follows.

As a threshold matter, the Examiner is respectfully reminded that in order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143). Here, both the Cochran Patent and the Ulrich Patent fail to teach or suggest a file server having a first file system and a second file system having a different format than the first file system.

The Cochran Patent is directed to a method and system for providing logically consisted logical units. In the latest office action, the Examiner specifically acknowledged that the Cochran Patent fails to show or suggest a first file system different from a second file system (See Office Action Mailed August 9, 2007, pg. 5). The undersigned agrees that the Cochran Patent fails to show or suggest a first file system different from a second file system, for the reason that the two storage devices disclosed in the Cochran Patent, primary LUN 420 and backup LUN 428, are described as being mirrored. “The primary LUN [420] is mirrored to a backup LUN 428 in a second disk array 424.” (See Col. 6, lines 8-10). As such, this configuration teaches away from providing a first file system having a format different from a second file system as described in the claimed embodiments.

In an effort to provide this absent teaching, the Examiner has combined the Cochran Patent with the Ulrich Patent. However, the Ulrich Patent also fails to provide the teaching that is lacking from the Cochran Patent.

The Ulrich Patent is directed to a dynamically distributed file system. In the latest office action, the Examiner incorrectly asserted that the Ulrich Patent at column 47, lines 50-58 discloses two file systems having different formats (see rejection of claim 3). A careful review of this portion of the Ulrich Patent reveals a discussion of a server and how it distributes data. There is an examination of the data types of the data, but no mention at all about file system formats. In fact, a complete review of the Ulrich Patent reveals no mention at all of file system formats. Applicants believe that column 47, lines 50-58 of the Ulrich Patent has been incorrectly interpreted by the Examiner. Reconsideration is respectfully considered.

The Examiner, citing column 47, lines 50-58 for his rejection of claim 3, asserted that the Ulrich Patent discloses “use different networking protocols, which means [] their file systems are

different.” Respectfully, this appears to be a mistake, as column 47, lines 50-58 has nothing to do with network protocols.

Nonetheless, the Ulrich Patent does discuss the use of different networking protocols to be used for network connectivity (See, for example, Col. 44, lines 44-55). However, network protocols are simply communication protocols, such as TCP/IP, Bluetooth, and local area networking protocols, used for communicating with other systems. Networking protocols have nothing to do with the underlying format of the file system of the computer using the network protocol. Accordingly, the Ulrich Patent also fails to teach or suggest all the elements of the pending claims.

Based upon the failure of the cited art to teach or even suggest each and every element of the independent claims, it is respectfully asserted that these claims cannot be considered obvious by the art relied upon by the Examiner. Continued maintenance of the obviousness claim rejections is improper, and these claim rejections should be withdrawn.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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